

Applicant : Gerhard Kressner
Serial No. : 10/535,163
Filed : May 16, 2005
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Attorney's Docket No.: 02894-712US1 / 06722

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Fig. 2 and replaces the original sheet including Fig. 2.

In Figure 2, the longitudinal rotation axis 60 has been identified and the reference number 61 deleted.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)
Annotated Sheet Showing Change(s) (1 page)

REMARKS

Claims 24-50 were pending in the application. Claims 24-43, 45 and 47-50 are rejected. Claims 44 and 46 were objected to and are now introduced, with appropriate clarifying amendments, as new claims 51 and 52, respectfully. Claim 27 has been canceled. Claims 24-26 and 28-52 now remain subject to examination.

Objection to Drawings

The specification has been amended to refer to element 60 shown in Fig. 2. Fig. 2 has been amended to clearly show that this reference number refers to a longitudinal rotation axis, in accordance with claim 1 of the priority application. Fig. 2 has also been amended to remove reference 61, which originally designated the releasable fastening means.

With respect to reference number 11, Applicant notes that the detailed description portion of his specification begins by referring to "brush tube 11 *which forms a brush head carrier*," and that the specification then follows with a number of references to this component as either the brush tube or the brush head carrier. Applicant thus submits that he has not referred to two different elements by the same reference number, but rather has explained that this element is both a brush tube and a brush head carrier.

Applicants have amended the written description to remove the inadvertent reference to the handpiece as 8.

The drawings are also objected to for not showing a number of features recited in the claims.

Multiple drive couplers are shown in Fig. 3, namely recess 18 for the primary bristle support 10, and projections 23 and 24 for the auxiliary bristle support 13. The detailed description has been amended to make reference to these features as drive couplers, in accordance with their disclosed function.

Claims 24 and 50 have been amended not to refer specifically to multiple eccentric drivers. Applicant notes that the scope of these claims remains unchanged by this amendment, as neither requires that both drive couplers or coupling means be driven by a single structural

element, and that embodiments of the invention employing multiple drivers would still fall within these claims. This amendment is merely to address a drawing objection formality.

Claim 26 has been amended to recite that the driver pin has an orbit that includes at least a partial cylinder segment. That the driver pin 50 illustrated in Fig. 3 moves in such an orbit is clear from the location of the rotational axis. Although partial conical movements are also discussed in a manner that would enable such a motion by one of ordinary skill, Applicant voluntarily cancels claim 27 to advance allowance of the remaining claims, noting that such an embodiment remains within the scope of claim 24 and that no disclaimer is intended by the claim cancellation.

Claim 37 has been amended to refer to the nature of the connection between driver pin and drive coupler, rather than to a joint axis. This aspect of the connection is discussed, for example, in the paragraph of the substitute specification bridging pages 5 and 6.

Claim 46 has been amended (as depending from claim 24 and as introduced as new claim 52) to remove a specific recitation of biasing of the translator element against a bristle support. Compression spring 52, shown in Fig. 3, is disclosed in the first full paragraph on page 13 as biasing eccentric driver pin 50 against bristle support 10.

Claim Objections

Claims 30 and 34 have been amended to each depend from claim 24.

Claim Rejections – 35 USC § 102

Claims 24, 28-29, 34-36, 38-43, 45, 47, and 49-50 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,504,958 to Herzog ("Herzog"). Applicant has amended claims 24 and 50 to clarify that at least one of the bristle carriers is constructed to rotate about an axis transverse to the longitudinal axis, as opposed to parallel to the longitudinal axis as is the case with the Herzog device, in which each bristle segment rotates about a corresponding axis extending parallel to the longitudinal axis of the toothbrush. As Herzog does not disclose nor suggest such a feature, Applicants submit that this rejection should be reconsidered in light

of the above amendment and withdrawn. Applicant further notes that, although not necessary for the withdrawal of this anticipation rejection, it would not at all have been obvious to one of mere ordinary skill at the time of the invention to modify Herzog's design to introduce a non-parallel rotation axis, nor even how such a modification could have been accomplished while maintaining the nature and purpose of Herzog's invention.

Claims 24-26, 29-33, 37-40, 42-43, 45 and 49-50 stand rejected under 35 U.S.C. §§102(a) and 102(e) as being anticipated by U.S. Pat. No. 6,434,773 to Kuo ("Kuo"). Applicant respectfully disagrees and asks for reconsideration.

The explanation of this rejection includes a finding that Kuo discloses "a brush head carrier (10) that is releasably connectable to a hand piece of an electric toothbrush (at 6)...". But Kuo never teaches nor suggests a releasable connection between his brush head 10 and the handle of his toothbrush. Rather, he describes his toothbrush as having "a handle 4 and brush head 10 connected by neck 6" (Kuo 4:61-62). Replacement of the brushing surfaces is provided by making the individual brush elements 8 and 9 replaceable (see Kuo 1:19-22 and 4:62-64) rather than the entire brush head. As Kuo does not teach a toothbrush head having all of the features of the claims, Applicant submits that the anticipation rejection is improper and asks that it be reconsidered and withdrawn. The above amendments to claim 24 and 50 do not bear upon distinguishing the Kuo reference.

Applicant further notes that, although not necessary for the withdrawal of this anticipation rejection, one of mere ordinary skill at the time of the invention would have not considered it reasonable to modify Kou's design to introduce a replaceable head assembly, as Kou specifically explains that one of his purposes of his design is to avoid having to replace the entire head assembly (see Kou 1:67 – 2:28, 2:58-61). Applicant also notes that Kou's intention to provide for flowing dentrifice (i.e., toothpaste) up from the handle through the neck to the bristles would have been counseled against such a modification.

Claim Rejections – 35 USC § 103

Claim 27 stands rejected under 35 U.S.C. §103(a) as being obvious over Kuo. Applicant's cancellation of claim 27 for other reasons has made this rejection moot.

Claim 48 stands rejected under 35 U.S.C. §103(a) as being obvious over Kuo as applied to claim 24 in view of U.S. Pat. No. 5,652,990 to Driesen ("Driesen"). Driesen is applied for teaching particular bristle tuft configurations. Applicant need not address whether or not it would have been obvious to apply Driesen's bristle configuration to Kuo's toothbrush, as even if it were so, the result would still not reach Applicant's invention as the Driesen reference does not supply the feature or features missing from, and not suggested by, the Kuo device with respect to claim 24. Therefore, no *prima facie* case of obviousness has been established and the rejection should be reconsidered and withdrawn.

Claim 48 also stands rejected under 35 U.S.C. §103(a) as being obvious over Herzog as applied to claim 24 in view of U.S. Pat. No. 4,766,633 to Clark ("Clark"). As with Driesen, Clark is applied for teaching particular bristle tuft configurations. Applicant need not address whether or not it would have been obvious to apply Clark's bristle configuration to Herzog's toothbrush, as even if it were so, the result would still not reach Applicant's invention as the Driesen reference does not supply the feature or features missing from, and not suggested by, the Herzog device with respect to claim 24. Therefore, no *prima facie* case of obviousness has been established and the rejection should be reconsidered and withdrawn.

Allowable Subject Matter

Claims 44 and 46 are objected to as being dependent upon a rejected base claim. Applicant has rewritten these claims, with clarifying amendments, as new claims 51 and 52, respectively.

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CONCLUSION


It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

Applicant requests a two-month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 02894-712US1.

Respectfully submitted,

Date: _____

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James W. Babincau
Reg. No. 42,276

Fish & Richardson P.C.
One Congress Plaza, Suite 810
111 Congress Avenue
Austin, TX 78701
Telephone: (512) 472-5070
Facsimile: (877) 769-7945

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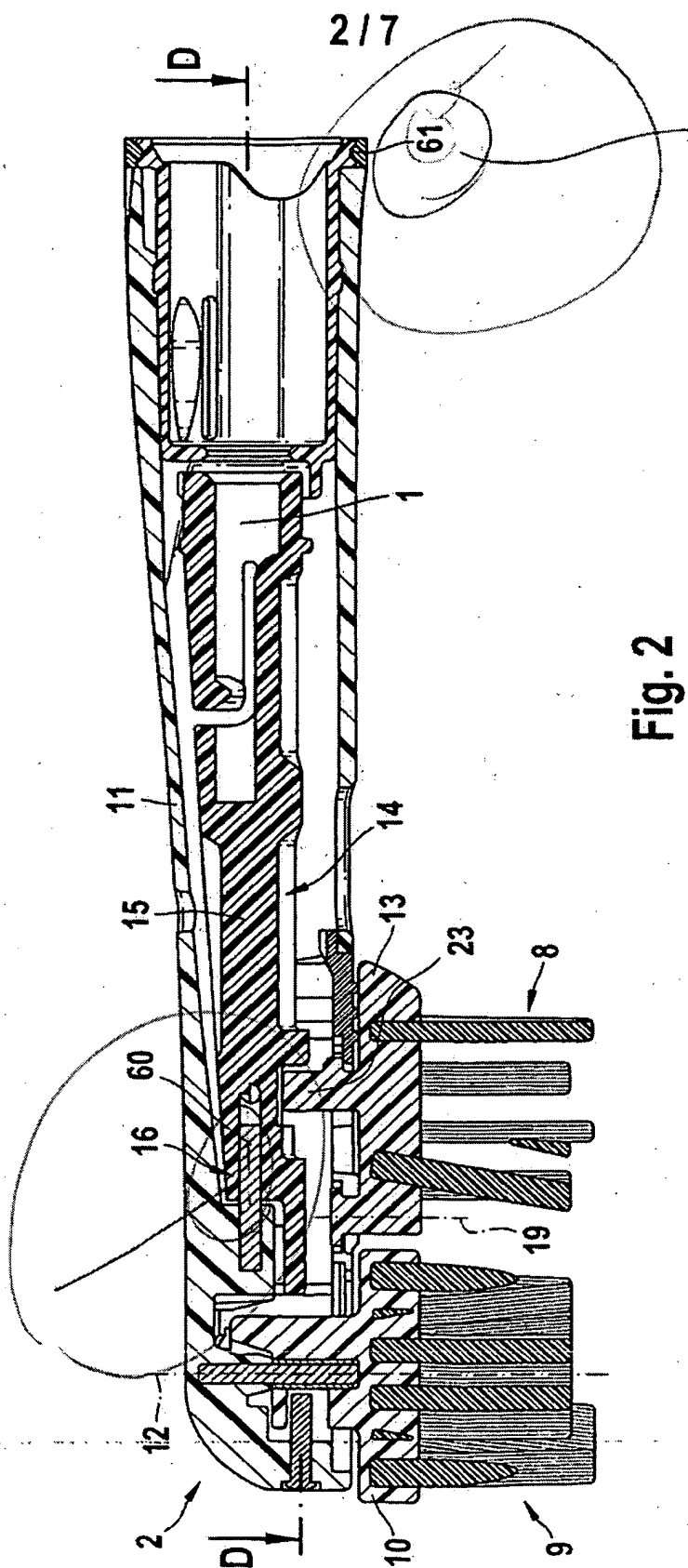


Fig. 2
 (B-B)